

RESULTS OF INVESTIGATION: The article was a counterfeit of "Vitalis With V7," bearing a counterfeit "Vitalis With V7" label. Analysis showed that the article contained a coal-tar color, namely, FD&C Yellow No. 5, which was not contained in the authentic "Vitalis With V7." The article had been manufactured to the order of the shipper.

LIBELED: 3-12-62, S. Dist. N.Y.

CHARGE: 602(a)—when shipped, the bottle label of the article was false and misleading in its entirety as applied to a product which purported to be "Vitalis With V7" manufactured by Bristol-Myers Co., New York, N.Y., but which was a counterfeit of "Vitalis With V7," bearing counterfeit "Vitalis With V7" labels.

DISPOSITION: On or about 4-3-62. Default—destruction.

**254. Ex-Cel-Cis Foot-Eze, Ex-Cel-Cis Milk White cleanser, and Ex-Cel-Cis Magic Youth crystals, lotion, and cream. (F.D.C. No. 48821. S. Nos. 22-644 V, 22-646/7 V.)**

QUANTITY: 13 8-oz. btls. of *Foot-Eze*; 56 1½-oz. btls. of cream; 3 ctns., each containing 12 4-oz. btls. of cleanser; 2 ctns., each containing 6 1-oz. btls. of crystals; and 4 ctns. of Ex-Cel-Cis 3 Star Magic Youth Set, each ctn. containing 1 btl., each, of cream, cleanser, crystals, and lotion, at Lakewood, Colo.

SHIPPED: Between 12-9-61 and 2-27-62, from Salt Lake City, Utah, by Ex-Cel-Cis Beauty Products Co., Inc.

LABEL IN PART: (Btl.) "Foot-Eze \* \* \* Ex-Cel-Cis, Inc., Distr.," (btl.) "Milk White Cleanser Ex-Cel-Cis, Inc., Distr.," and (btls.) "Magic Youth Cream [or "Crystals" or "Roll-Off Lotion"] Ex-Cel-Cis, Inc., Distr."

ACCOMPANYING LABELING: Leaflets entitled "Stay Young and Gay The Ex-Cel-Cis Way" and "Ex-Cel-Cis Cosmetics of Distinction in Living Color."

RESULTS OF INVESTIGATION: Examination showed that the *Magic Youth cream* was a cream-colored semisolid having an oily texture and perfumed odor; that the *Milk White cleanser* and the *Roll-Off lotion* were white liquids having an oily texture and perfumed odor; that *Magic Youth crystals* was a pink, homogeneous, granular material having a perfumed odor; and that the *Foot-Eze* was an amber, transparent, oily liquid having an odor of camphor and ammonia.

LIBELED: 3-26-63, Dist. Colo.

CHARGE: 602(a)—when shipped, the label of the *Foot-Eze* contained false and misleading representations that the article was adequate and effective for preventing foot odor and as a treatment for athlete's foot; and 602(a)—the labeling of the other articles contained false and misleading representations that the articles were adequate and effective for rejuvenating the facial appearance by erasing wrinkles due to aging, and as a treatment for teen-age acne, skin blemishes, blackheads, whiteheads, and skin discoloration.

DISPOSITION: 5-29-63. Default—destruction.

**COSMETICS ACTIONABLE BECAUSE OF INCONSPICUOUSNESS OF  
REQUIRED LABEL INFORMATION\***

**255. 5 Day stick deodorant. (F.D.C. No. 48749. S. No. 13-870 V.)**

QUANTITY: 84 2¼-oz. btls., at Milwaukee, Wis.

\*See also No. 244.

SHIPPED: Between 12-18-61 and 12-27-61, from Chicago, Ill., by Five Day Laboratories.

LABEL IN PART: (Btl.) "5 Day Stick Deodorant Five Day Labs. Chicago."

RESULTS OF INVESTIGATION: The article was contained in a white, opaque, cylinder-shaped plastic bottle. The manufacturer's name and address and quantity of contents statement were formed in the plastic base of the container and were inconspicuous due to the location, size of print, and lack of contrasting color.

LIBELED: 4-18-63, E. Dist. Wis.

CHARGE: 602(c)—when shipped, the information required to appear on the label under 602(b) (1) and (2), namely, the name and place of business of the manufacturer, packer, or distributor, and quantity of contents statement, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-9-63. Default—destruction.

**256. Shampoo.** (F.D.C. No. 48823. S. No. 8-361 V.)

QUANTITY: 283 8-oz. btls., and 72 display cnts., each containing 3 8-oz. btls., at Boston, Mass.

SHIPPED: 1-24-63, from Stamford, Conn., by Clairol, Inc.

LABEL IN PART: (Btl.) "Clairol The Colorfast Shampoo."

RESULTS OF INVESTIGATION: Examination showed that the article was a deep blue-colored liquid contained in a clear glass bottle on which the manufacturer's name and address and the quantity of contents statement were inconspicuous due to being printed on the reverse side of the sticker label and could not be read through the intense blue color of the liquid within the bottle.

LIBELED: 3-25-63, Dist. Mass.

CHARGE: 602(c)—when shipped, the information required to appear on the labeling under 602(b), namely, (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-10-63. Default—the court ordered that the article be destroyed or delivered to a charitable institution.